

(b) If a party objects under Subsection (a-1) ~~[(a)]~~, the issue shall be set for a hearing. The hearing is before the court, except that on motion by the defendant, the defense counsel, the prosecuting attorney, or the court, the hearing shall be held before a jury.

(d)(1) If the defendant is found competent to stand trial, *on the court's own motion* criminal proceedings in the case against the defendant shall ~~[may]~~ be resumed *not later than the 14th day after the date of the court's determination under this article that the defendant's competency has been restored.*

(2) *Notwithstanding Subdivision (1), in a county with a population of less than one million or in a county with a population of four million or more, on the court's own motion criminal proceedings in the case against the defendant shall be resumed as soon as practicable after the date of the court's determination under this article that the defendant's competency has been restored.*

(d-1) *This article does not require the criminal case to be finally resolved within any specific period.*

SECTION 3. The change in law made by this Act applies only to a proceeding under Chapter 46B, Code of Criminal Procedure, that commences on or after the effective date of this Act, regardless of when the defendant may have committed the underlying offense for which the defendant became subject to the proceeding.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2015.

Passed by the House on May 15, 2015: Yeas 123, Nays 3, 3 present, not voting; the House concurred in Senate amendments to H.B. No. 211 on May 29, 2015: Yeas 143, Nays 1, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective June 19, 2015.

SEALING OF CERTAIN JUVENILE RECORDS

CHAPTER 995

H.B. No. 263

AN ACT

relating to the sealing of certain juvenile records.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 58.003(a), (e), (o), and (p), Family Code, are amended to read as follows:

(a) Except as provided by Subsections (b), ~~[and]~~ (c), *and (e), the juvenile court shall order the sealing of the records in the case [on the application]* of a person who has been found to have engaged in delinquent conduct or conduct indicating a need for supervision, or a person taken into custody to determine whether the person engaged in delinquent conduct or conduct indicating a need for supervision, ~~[on the juvenile court's own motion the court shall order the sealing of the records in the case]~~ if ~~[the court finds that]~~:

(1) two years have elapsed since final discharge of the person or since the last official action in the person's case if there was no adjudication; and

(2) since the time specified in Subdivision (1), the person has not been convicted of a felony or a misdemeanor involving moral turpitude or found to have engaged in delinquent conduct or conduct indicating a need for supervision and no proceeding is pending seeking conviction or adjudication.

(e) The court *shall give the prosecuting attorney for the juvenile court reasonable notice before a person's records become eligible for sealing under Subsection (a) or (c) and may* ~~shall~~ hold a hearing before sealing the ~~a~~ person's records if ~~[under Subsection (a) or (c) unless the applicant waives the right to a hearing in writing and the court and] the prosecuting attorney requests a hearing [for the juvenile court consent].~~ Reasonable notice of the hearing shall be given to:

- (1) the person who ~~[made the application or who]~~ is the subject of the records *at issue* ~~[named in the motion];~~
- (2) ~~[the prosecuting attorney for the juvenile court;~~
- ~~[(3)]~~ the authority granting the discharge if the final discharge was from an institution or from parole;
- (3) ~~[(4)]~~ the public or private agency or institution having custody of *the person's* records ~~[named in the application or motion]; and~~
- (4) ~~[(5)]~~ the law enforcement agency having custody of *the person's* files or records ~~[named in the application or motion].~~

(o) An agency or official named in the order that cannot seal the records because the information required in the order under Subsection (p) is incorrect or insufficient shall notify the court issuing the order before the 61st day after the date the agency or official receives the order. The court shall notify the person who ~~[made the application or who]~~ is the subject of the records *at issue* ~~[named in the motion]~~, or the attorney for that person, before the 61st day after the date the court receives the notice that the agency or official cannot seal the records because there is incorrect or insufficient information in the order.

(p) A ~~[person who is eligible to seal records may file an application for the sealing of records in a juvenile court of the county in which the proceedings occurred. The application and]~~ sealing order entered *under this section* ~~[on the application]~~ must include the following information or an explanation for why one or more of the following is not included:

- (1) the person's ~~[applicant's]~~:
 - (A) full name;
 - (B) sex;
 - (C) race or ethnicity;
 - (D) date of birth;
 - (E) driver's license or identification card number; and
 - (F) social security number;
- (2) the offense charged against the person ~~[applicant]~~ or for which the person ~~[applicant]~~ was referred to the juvenile justice system;
- (3) the date on which and the county where the offense was alleged to have been committed; and
- (4) if a petition was filed in the juvenile court, the cause number assigned to the petition and the court and county in which the petition was filed.

SECTION 2. The changes in law made by this Act apply only to the records of a person who becomes eligible for sealing of records under Section 58.003, Family Code, as amended by this Act, on or after the effective date of this Act. The records of a person who was eligible for sealing of records under that section before the effective date of this Act are governed by the law applicable to the records immediately before that date, and the former law is continued in effect for that purpose.

SECTION 3. This Act takes effect September 1, 2015.

Passed by the House on May 6, 2015: Yeas 144, Nays 0, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 263 on May 28, 2015: Yeas

145, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 26, 2015: Yeas 31, Nays 0.

Approved June 19, 2015.

Effective September 1, 2015.

**EXECUTORY CONTRACT FOR THE CONVEYANCE OF REAL
PROPERTY; PROVIDING A CIVIL PENALTY**

CHAPTER 996

H.B. No. 311

AN ACT

relating to an executory contract for the conveyance of real property; providing a civil penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 5.062(e), Property Code, is amended to read as follows:

(e) Sections 5.066, 5.067, 5.071, 5.075, 5.079, 5.081, and 5.082 do not apply to an executory contract described by Subsection (a)(2).

SECTION 2. Section 5.064, Property Code, is amended to read as follows:

Sec. 5.064. **SELLER'S REMEDIES ON DEFAULT.** A seller may enforce the remedy of rescission or of forfeiture and acceleration against a purchaser in default under an executory contract for conveyance of real property only if:

(1) the seller notifies the purchaser of:

(A) the seller's intent to enforce a remedy under this section; and

(B) the purchaser's right to cure the default within the 30-day period described by Section 5.065; .

(2) the purchaser fails to cure the default within the 30-day period described by Section 5.065; ~~and~~

(3) Section 5.066 does not apply; *and*

(4) *the contract has not been recorded in the county in which the property is located.*

SECTION 3. Section 5.066(a), Property Code, is amended to read as follows:

(a) *If a purchaser defaults after the purchaser has paid 40 percent or more of the amount due or the equivalent of 48 monthly payments under the executory contract or, regardless of the amount the purchaser has paid, the executory contract has been recorded, the seller is granted the power to sell, through a trustee designated by the seller, the purchaser's interest in the property as provided by this section. The seller may not enforce the remedy of rescission or of forfeiture and acceleration after the contract has been recorded.*

SECTION 4. Section 5.070, Property Code, is amended by adding Subsection (d) to read as follows:

(d) *If the executory contract is recorded, the seller is not required to continue insuring the property.*

SECTION 5. Section 5.076, Property Code, is amended by adding Subsection (e) to read as follows:

(e) *A seller who violates this section is liable to the purchaser in the same manner and for the same amount as a seller who violates Section 5.079 is liable to a purchaser, except the damages may not exceed \$500 for each calendar year of noncompliance. This subsection does not limit or affect any other rights or remedies a purchaser has under other law.*

SECTION 6. Section 5.077, Property Code, is amended by adding Subsection (e) to read as follows: